

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**In Re: LESLIE L. LIPSEY and  
TINA M. LIPSEY**

**CHAPTER 13  
NO. 20-10231 DW**

**RESPONSE TO MOTION TO DISMISS**

COMES NOW, LESLIE L. LIPSEY and TINA M. LIPSEY, Debtors in the above styled and numbered cause, by and through undersigned counsel, and file this their Response to Motion to Dismiss, said Motion (Dkt. #79) having been filed by the Chapter 13 Trustee ("Trustee"), respectfully showing unto the Court as follows:

1. Debtors fell behind because of time it took to purchase a replacement truck as Debtor 1 was not able to work until the truck was purchased and initial repairs needed were completed.
2. Debtors request that the exempt funds from the insurance settlement on the prior truck be applied to the plan paying the secured and priority claims.
3. An additional reason for the missed is payments that because of the pandemic's increase in COVID 19 cases and deaths through the winter reduced the potential jobs for Debtor 1 as a painter, drastically reducing his income, but now that the cases have lowered, he is obtaining work on regular basis.
4. Debtors request that the remaining arrearage be placed in the plan and that plan be extended to 60 months from confirmation.
5. If necessary, the Debtors' counsel will notice out any Order authorizing Debtors' request.

WHEREFORE, Debtors pray that this Court will enter its Order denying the Trustee's Motion to Dismiss and further granting relief consistent with this Response. Debtors pray for such other, further and general relief to which they may be entitled.

Respectfully Submitted,  
LESLIE L. LIPSEY and  
TINA M. LIPSEY, Debtors

By: /s/ Robert Gambrell  
ROBERT GAMBRELL; Attorney for  
Debtors; MSB #4409  
GAMBRELL & ASSOCIATES, PLLC  
101 Ricky D. Britt Blvd., Ste. 3  
Oxford, MS 38655  
Ph: (662)281-8800 / Fax: (662)202-1004  
rg@ms-bankruptcy.com

CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtors, do hereby certify that the following have been served electronically via ECF the above Response to Motion to Dismiss to:

David W. Asbach, Acting U. S. Trustee  
Locke D. Barkley, Chapter 13 Trustee  
and to all parties that have entered an appearance requesting service via ECF

Dated this the 10<sup>th</sup> day of March, 2021.

/s/ Robert Gambrell  
ROBERT GAMBRELL